

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CROWN CORK & SEAL COMPANY, INC.)	
and CLARK EQUIPMENT COMPANY,)	
)	
Plaintiffs,)	
)	
v.)	1:99CV00869
)	
CBS CORPORATION, as successor in)	
interest to WESTINGHOUSE ELECTRIC)	
CORPORATION, et al.,)	
)	
Defendants.)	

O R D E R

On July 13, 2005, Recommendation No. 31 the United States Magistrate Judge was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections were filed within the time limits prescribed by Section 636.

Therefore, the Court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that plaintiffs' motion to dismiss defendant Mary E. Wellons Dockery Dufty as a defendant from this lawsuit with prejudice, and further, that all cross-claims or third-party claims arising out of plaintiffs' claims for recovery of their RI/FS costs, RD/RA costs, or any other response costs against defendant Dufty (docket no. 537) and as joined in by defendant Dufty (docket no. 539) are granted, and that the Court, in fact, dismisses any cross-claim or third-party claim by any party against defendant Dufty with prejudice as a result of its settlement of plaintiffs' claims, and further, that the Court accepts the Uniform Comparative Fault Act proportionate share rule

for this case so that plaintiffs' contribution claims against the non-settling defendants will be reduced by the fair share of defendant Dufty.

This the day of September 30, 2005

/s/ N. Carlton Tilley, Jr.
United States District Judge